

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

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In re FEDEX GROUND PACKAGE ) CAUSE NO. 3:05-MD-527 RM  
SYSTEM, INC. EMPLOYMENT ) (MDL-1700)  
PRACTICES LITIGATION )  
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THIS DOCUMENT RELATES TO: )  
 )  
*Frank Gruhn, et al. v. FedEx Ground* )  
*Package System, Inc.,* )  
Case No. 3:07-cv-412 RLM (VT) )  
 )  
*Thomas Mango, et al. v. FedEx Ground* )  
*Package System, Inc.,* )  
Case No. 3:07-cv-322 RLM (CT) )  
 )  
*Robert Carlson, et al. v. FedEx Ground* )  
*Package System, Inc.,* )  
Cause No. 3:06-cv-393 RLM (MT) )  
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OPINION AND ORDER

This matter is before the court on FedEx Ground's motion to correct record (doc. # 2058). FedEx seeks leave to correct certain record citations and add certain cited, but omitted exhibits. FedEx has proposed to correct the record in two ways: (1) where the cited but inadvertently omitted evidence is actually contained in the record elsewhere, by providing the court with a citation to where this record evidence can be found; and (2) in the two instances in the Vermont SSGI where the cited but inadvertently omitted materials are not included elsewhere, by including the materials as exhibits to its motion to correct. FedEx contends that the plaintiffs won't suffer prejudice because they had access to the omitted evidence contained elsewhere in the record and also had access to the deposition

transcript that was omitted. FedEx inadvertently failed to include FedEx Ground manager Peggy Carrera's December 14, 2009 declaration as an exhibit to the SSGI, but notes that the contents of the declaration are described in full in FedEx's Vermont SSGI at VT-60 through VT-84.

Finding good cause and no undue prejudice, the court GRANTS FedEx's motion to correct the record (doc. # 2058). The court allows FedEx to correct the record by providing corrected citations to the existing record for the Connecticut and Vermont SSGIs and its Opposition to the Montana Plaintiffs' Motion to Amend, as well as by adding the deposition page and declaration cited but inadvertently omitted from its Vermont SSGI.

SO ORDERED.

ENTERED: May 11, 2010

/s/ Robert L. Miller, Jr.  
Judge  
United States District Court